UNITED
NATIONS

CAT

Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

Distr.
GENERAL

CAT/C/SR.251
6 June 1996

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Sixteenth session

SUMMARY RECORD OF THE 251st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 May 1996, at 10 a.m.

Chairman Mr. DIPANDA MOUELLE

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GE.96-16079 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Second periodic report of China (CAT/C/20/Add.5)

1. At the invitation of the Chairman, Mr. Wu, Mr. Zhang, Mr. Chen, Mr. Wang, Mr. Hao, Mr. Duan, Mr. Long, Mr. Liu, Mr. Shen, Mrs. Wang and Mrs. Guo (China) took places at the Committee table.

2. Mr. WU (China) said that, long before China's ratification of the Convention against Torture, its Constitution and legislation had clearly stipulated that acts of torture must be prohibited and persons guilty of such acts must be severely punished. Since the ratification, considerable progress had been achieved in developing and implementing legislation. An account of those efforts and achievements had been given in the initial report submitted to the Committee in 1989 and, subsequently, in the supplementary report submitted in October 1992. The second report (CAT/C/20/Add.5) had been officially submitted to the Committee in December 1995, thereby testifying to the Chinese Government's strong opposition to torture and its fulfilment of its international obligations. The second periodic report, covering the period from 1992 to 1995, had followed the Committee's guidelines regarding the form and content of reports and had endeavoured to provide clarifications on the points raised by the Committee during its consideration of the supplementary report. The Committee would find that the recommendations that it had made on the conclusion of its consideration of the supplementary report in 1993 had already been adopted in varying degrees or were being implemented through measures in line with China's specific circumstances.

3. Since 1992, China had been pursuing its efforts to establish mechanisms to protect its citizens from torture or degrading treatment. A set of laws, the content of which was illustrated in the report, had been adopted, thereby greatly helping to guide the conduct of judicial bodies and to provide reliable legal guarantees against torture, as well as compensation in the event of infringement of rights. Moreover, in 1990 and 1992, the supreme legislative body of China had promulgated the basic laws relating to Hong Kong and Macao, containing guarantees against any violation of freedom. In that way, the Chinese Government intended to ensure respect for their rights and interests, including the right not to be subjected to torture or other inhuman treatment.

4. In March 1993, China's supreme legislative bodies had decided on an amendment to the Criminal Procedure Law and had adopted the Administrative Punishment Law, both of which were extremely important texts. First, under their provisions the legitimate rights and interests of persons suspected of criminal acts were safeguarded more effectively and innocent persons were protected. The amendment to the Criminal Procedure Law stipulated that no one could be declared guilty until a decision had been taken by a people's court in accordance with the law. If there was insufficient evidence to substantiate the indictment, the court had an obligation to dismiss the charges on the ground of insufficient evidence. Second, the amended Criminal Procedure Law contained more specific stipulations concerning the division of

labour among the courts, the procuratorates and the public security organs with a view to enhancing their mutual supervision. Investigations in ordinary criminal cases now fell within the jurisdiction of the public security organs, while the procuratorates were directly responsible for cases involving abuse of authority by an official and cases of unlawful detention, extracting confessions by torture, retaliation, persecution and unlawful search. Those provisions would facilitate the investigation of cases of torture and the punishment of the guilty parties. Third, strict procedures and precise conditions had been laid down in regard to detention, arrest and other coercive measures. Examination during police custody, which was an administrative coercive measure that played a role in punishing criminals, had been abolished and replaced by judicial procedures concerning detention and arrest that were fixed by law and provided better supervision of law enforcement by judicial bodies. Fourth, participation by lawyers in criminal proceedings had been expanded, thereby strengthening external supervision. Fifth, the Administrative Punishment Law signified further progress since it eliminated any possibility that an administrative punishment restricting physical freedom might be inflicted outside the strict framework of the law; any citizen on whom an administrative punishment had been inflicted unlawfully was entitled to compensation for the harm suffered.

5. In the administrative field, the Chinese Government had adopted various provisions that were designed, in particular, to give wide publicity to the principles and provisions of the Convention through the media. More detailed administrative guidelines had also been issued to regulate and monitor the law enforcement activities of State officials, as indicated in the report. The State attached importance to the internal supervision mechanisms that had been established within the administrative organs and to the supervisory role played by the masses, public opinion and social bodies. It had also adopted positive measures in the judicial field. Although China's domestic legislation did not incorporate the definition of torture appearing in article 1 of the Convention, its domestic legislative provisions designated various forms of torture as criminal offences. Consequently, China was in a position to implement the Convention effectively and honour its obligations thereunder. Moreover, in recent years, the legal and disciplinary inspectorate had been considerably strengthened to that end and criminal violations of the democratic and personal rights of citizens had formed the subject of serious investigations. The annual reports of the Supreme People's Procuratorate showed that hundreds of complaints concerning torture were filed every year and led to investigations, prosecutions and punishment of the guilty persons. To prevent new cases of torture, the State had further improved the inspection of law enforcement institutions, particularly prisons, and had promptly investigated complaints of corporal punishment and ill-treatment of prisoners or detainees. By the end of 1995, permanent inspectors had been assigned to all the country's prisons, where they effectively played a preventive role. Moreover, the application of the Compensation Law ensured reparation for the victims. In a relatively short period of time, the public authorities had succeeded in reducing the number of cases of torture, which showed that the Chinese judicial system was developing in conformity with the principles and purposes of the Convention against Torture. China's efforts were indissociable from those of the international community in that field and China was eager to receive useful suggestions to support its ongoing efforts to eliminate, as far as possible, the various

forms of torture. The Chinese delegation therefore consisted of experts from various competent national bodies and were at the Committee's disposal to provide any clarifications and explanations required.

6. China had not submitted its second periodic report in 1993 for the simple reason that it had submitted a supplementary report in the same year and had therefore deemed it advisable to wait instead of submitting a second report that would be lacking in substance.

7. Mr. BURNS (Country Rapporteur) thanked the Chinese delegation for its statement. He understood the reason that had been given to explain the delay in submitting of the second periodic report and welcomed the fact that the report followed the Committee's guidelines concerning the form and content of reports. He took note of the significant amendments that had been made to the Criminal Law, which would enter into force in 1997 and should effectively help to strengthen the rule of law in the country.

8. Although China had not yet adopted the general definition of torture contained in article 1 of the Convention, the Government felt that the various categories of acts of torture referred to in legislative or administrative provisions enabled it to comply with that article. However, in the recent amendments to the Criminal Procedure Law, the various prohibitions applied only to the practice of torture to extort confessions, whereas the definition in article 1 was much broader. In the absence of a criminal classification, the question arose whether accurate statistics on the situation in regard to torture could be compiled. A precise definition of acts constituting the offence of torture was also important for the exercise of universal jurisdiction.

9. In the light of the second periodic report, as well as the information received from other sources, which mentioned numerous cases of torture during the stage of police custody throughout China and in the prisons in Tibet, he wondered whether the Chinese authorities could claim to be respecting their obligations under article 2, paragraph 1. Moreover, since China had expressed reservations concerning articles 20 and 22 of the Convention, it would be helpful to know whether, as indicated in the supplementary report, the Government had re-examined that question and, if so, what conclusions it had reached.

10. Although paragraph 87 of the report affirmed that obedience to an order from a superior could not be invoked as an excuse to justify an act of torture, no reference was made to any criminal penalty. The legal basis on which that affirmation had been made should therefore be specified. It would also be helpful to know what legislative or administrative measures had been taken to honour obligations under article 3 of the Convention, which, in general, implied a definition of the concept of asylum and the establishment of a competent administrative body in that field. In particular, were the various constitutional, legislative, administrative and other texts protecting Chinese citizens against torture applicable to non-citizens, especially refugees, asylum-seekers and even tourists?

11. Under article 5, paragraph 2, of the Convention, each state party was required to establish its jurisdiction in order to be able to prosecute

torturers, even when the acts with which they were charged had been committed outside its jurisdiction, if article 3 of the Convention prevented it from extraditing them and, of course, assuming that it possessed sufficient evidence. It would therefore be helpful to know the legislative or administrative measures that China had taken to establish its universal jurisdiction, since that question was becoming increasingly crucial due to the greater possibilities available for international travel. In the same context, he wished to know how many extradition treaties China had concluded with other countries and whether they specified torture as a ground for extradition; paragraphs 22 and 23 of the report indicated that at least three extradition treaties had been signed, which was particularly interesting since that was a new type of instrument for China. In that connection, it would be helpful to know the precise implication, at the end of paragraph 24 of the report, of the fact that a person "may" be extradited: ambiguous phrasing that might be intended to exclude extradition for political offences but might also have a broader meaning. Likewise, the use of the word "should" in paragraph 30 (a) to (e) could be questioned and it might be wondered what measures still needed to be taken to make those provisions obligatory; it would also be interesting to know what steps had been taken to give full effect to the directives described in paragraph 34.

12. Judging from the allegations of several non-governmental organizations which the Committee deemed reliable, much remained to be done to ensure the application of article 12 of the Convention. Regardless of the rules formally in force de facto impunity did seem to exist for the perpetrators of acts of torture and he would like accurate data on the number of complaints of torture filed in 1994 and 1995 and the way in which they had been followed up at the judicial or administrative levels. The report affirmed that the Government intended to deal with the problem by strengthening the powers and the jurisdiction of the procuratorates in such a way as to ensure that the law prevailed in the judicial as well as the administrative fields. He would revert to that question later.

13. With regard to criminal compensation, was the Commission on Compensation the only competent body or was there a possibility of applying to the courts? Likewise, with regard to administrative compensation, if a presumed victim was not satisfied with the way in which an administrative body had dealt with his petition, was he entitled to apply to a court? It would also be interesting to know whether such compensation could take the form of medical rehabilitation treatment instead of a financial award.

14. Paragraph 56 of the report showed that article 15 of the Convention was actually applied in all judicial proceedings. He would welcome confirmation that the same applied in administrative matters and that an administrative tribunal would reject any evidence that had been extorted by illegal means. He also wished to know why that provision had taken the form of a special rule of the Supreme People's Court instead of being included in the Criminal Procedure Law when it was amended.

15. It would be very helpful to have details of the apparently significant distinctions that the recent amendments to the Criminal Procedure Law had drawn between the regulations governing detention and arrest. It seemed that

following those amendments, the various forms of administrative detention had been modified. Previously, there had been administrative detention for a maximum period of 15 days imposed by the police for minor infringements of public order, detention for investigative purposes, which the Committee had found disturbing during the consideration of the preceding report due to its possible duration, and re-education through labour. Now there seemed to be another form of administrative detention, detention for questioning, to which reference had been made in paragraph 81 of the report, on which clarifications were needed. In regard to each of those forms of detention, and particularly the latter, it would be helpful to know at what stage the detainee could have access to a lawyer, as well as the type of redress available to him and the maximum duration of the arrest or detention. Finally, did China offer a guarantee comparable to habeas corpus or amparo under which the person concerned, as was the case in most legal systems throughout the world, could apply to a higher court to examine the lawfulness of his detention or arrest?

16. At the beginning of paragraph 66 of the report, it was stated that, when detaining a person, an arrest warrant must be produced. Assuming that there was a difference between arrest and detention, he wished to know who issued that warrant and at what time, i.e. before or after the person was placed in detention. Moreover, he had been surprised to read in paragraph 67 that it was possible to keep someone in detention when sufficient evidence was still lacking; it was important to know what body was empowered to take such a decision and, above all, what was the reason for that possibility of detaining someone without sufficient evidence. With regard to the procedure described in paragraph 68, it was important to know at what time the person affected by those measures could have access to a lawyer. In the last sentence of the paragraph it was stated that, in some circumstances, the detainee and his family had the right to demand his release; in such a case, to what body would they apply? Noting that, in that connection, reference was made only to the person concerned and his family, to the exclusion of the lawyer, he wished to know whether that was simply an omission.

17. The details provided by the Chinese Government in paragraph 69 of the report, concerning the investigations undertaken in connection with the cases of torture in Tibet that had been reported by non-governmental organizations, were hardly enlightening. It would have been preferable to give an account of the effectiveness of legal protection by indicating the outcome of the investigations that had been undertaken, as well as the measures that had been taken to remedy the situation by, for example, instituting proceedings. Again, in paragraph 79, precise information should have been provided about the supervision exercised over the activities of the police by, for example, specifying the number of complaints filed, the number of charges dismissed, the number of convictions and the number of administrative measures taken, etc. However, in that context, one very encouraging aspect was that, as mentioned in paragraph 95, torturers had been prosecuted and convicted. The press had also recently reported the conviction of a police officer for acts of torture in Tibet.

18. Three matters were a cause of concern in the light of the comments contained in a document that Amnesty International had recently published in April 1996 on the subject of China's second periodic report to the Committee. The first matter of concern was the question of incommunicado detention. In

that connection, Amnesty International had emphasized in its comments that incommunicado detention remained the norm for most detainees. Persons placed in police custody were held incommunicado for long periods of time, often on the basis of an administrative decision unrelated to any judicial procedure. Persons held in administrative detention were permitted to contact a lawyer only in order to lodge an appeal against their being placed in detention, a procedure to which most of them could not resort. Under the Criminal Procedure Law, accused persons were permitted to contact a lawyer only seven days before their trial. He wished to hear the comments of the Chinese delegation on those assertions by Amnesty International. The Committee had always affirmed that incommunicado detention was unacceptable and contrary to the Convention in so far as it was during that period that most acts of torture were committed anywhere in the world. The second matter of concern on which he wished to hear the viewpoints of the Chinese delegation was that of de facto impunity. Amnesty International had received a very large number of allegations of torture inflicted in police stations throughout the country and numerous newspaper reports had likewise referred to that matter. However, those allegations did not seem to have elicited any reaction on the part of the authorities. Finally, he would like to have statistical data for 1994 and 1995 on the third matter of concern, namely the deaths that had occurred during detention. In that connection, the case of Tibet had been discussed at length during the consideration of the initial report of China and he would not revert to it. He merely wanted to know the number of deaths that had occurred during detention in Tibet in 1994 and 1995 and what measures of a judicial or disciplinary nature had been taken against members of the police, the security services, and prison staff who had been responsible for ill-treatment or death during detention. He drew attention to the information that Mr. Rodley, the Special Rapporteur on torture, had provided in paragraphs 114 and 122 of his report for 1995 (E/CN.4/1996/35/Add.1) and awaited the Chinese Government's reply to the questions raised by Mr. Rodley.

19. The representative of China had referred to the reform of criminal procedure - an extremely positive development, even in the opinion of Amnesty International - as a result of which the onus of proof now lay with the procuratorates. However, there still seemed to be an incompatibility between the new clause contained in article 12 of the new Criminal Procedure Law, which laid down the general principle that no one should be presumed guilty before being convicted by a court of law, and article 35 of the same Law, which seemed to run counter to the presumption of innocence by stipulating that the defence must present material evidence proving that the defendant was innocent, that the offence was minor, that the penalty should be light or that the defendant was not criminally responsible.

20. With regard to the manner in which capital punishment was applied in China, first of all, he wished to know the number of convictions and executions in 1994 and 1995. According to Amnesty International, 2,780 death sentences had been handed down in 1994 and 2,050 executions had taken place. In the first half of 1995, 1,800 persons had apparently been convicted and 1,147 executions had taken place. Although the application of the death penalty did not in itself constitute a violation of the Convention, it was clearly evident that, in the spirit of article 1 thereof, capital punishment could be imposed only for the most serious offences. However, according to some information, it was applied in China for a very large range of offences.

He wished to know whether that information was correct, in which case the Committee would have cause for concern. Moreover, the Committee might be seriously disturbed at the way in which executions were carried out. They apparently took place in public and the condemned persons were paraded in chains. It also seemed that, contrary to the assertion that there should be a two-year time-lag between the sentence and the execution in order to give the condemned person an opportunity to demonstrate his penitence and have his penalty commuted, guilty persons were sometimes executed very soon after being sentenced at a public hearing. Similarly, if it was confirmed, the practice mentioned by Amnesty International of chaining persons condemned to death until they were executed could, like the other circumstances surrounding the execution, constitute cruel and degrading treatment under article 16 of the Convention. The removal of organs from the bodies of condemned persons for commercial purposes and without their prior consent, which had been reported by Amnesty International, if confirmed, also seemed to be a reprehensible practice.

21. Lastly, he would like to know more about the role and status of the procurators in the legal system, since they were obviously located at the lower levels of the hierarchy. However, it seemed that greater importance was to be attached to them in future, which was a welcome development since the procurators played a crucial role in safeguarding the rule of law. Detailed information on that subject would therefore be appreciated.

22. The CHAIRMAN, speaking in his capacity as a member of the Committee and Alternate Country Rapporteur, said he welcomed the recent enactment of much legislation. However, everyone knew that legal rules, regardless of how good they might be, were not sufficient to solve specific problems. Justice was the guarantor of democracy and respect for human rights and should be administered by a judiciary that was both competent and independent. Consequently, the question arose as to whether judges were still appointed by the Party and whether the procedures for their appointment and dismissal, as well as their status and their general career profile, were likely to ensure their impartiality.

23. It would be helpful to have more precise information concerning the exact method of operation of the breach-of-law-and-discipline case reporting system which had been set up by the Ministry of Security in December 1990 and to which reference was made in paragraph 31 of the report. Moreover, paragraph 32 referred to a decree on the "lawful and civilized administration" of prisons, which was still giving rise to questions concerning the manner in which prisons were actually administered. For example, in the event of a prison riot, it would be interesting to know whether systematic use was made of firearms. According to paragraph 32 (b) of the report, prisoners accused of a capital crime were handcuffed during their interrogation and trial. He regarded that as treatment which, if not inhuman, was at least degrading. He had the same questions about the death penalty as did Mr. Burns and also wished to know the situation of persons sentenced to death who benefited from a stay of execution and remained incarcerated for many years.

24. Referring to article 50 of the People's Police Law, as quoted in paragraph 46 of the report, he inquired whether the victim could claim only the compensation paid by the police or whether there was a possibility of applying to a court of law.

25. With regard to the information communicated by non-governmental organizations, he wished to ask the Chinese delegation about the situation of detainees. According to a report entitled "China - the reign of arbitrariness", prisoners were obliged to acknowledge their guilt, were forced to work and were often ill-treated. The resort to "heads of cells" or "trusties", who were allowed free scope to bully or bring other prisoners to heel, remained a matter of concern. Deaths in detention also elicited comment, since most of them were apparently attributable to acts of torture combined with inhuman conditions and a lack of medical care. The situation was all the more deplorable as cases of that type were rarely investigated; precise statistics on that phenomenon were needed. Moreover, according to the 7 October 1993 edition of the legal daily newspaper published in the province of Henan, in that province alone 41 prisoners and suspects had died as a result of torture during interrogation, and the methods of torture were becoming more cruel. He referred to the cases of named victims who had died as a result of brutal treatment in the provinces of Anhui, Guangdong, Gansu, Sichuan and Shandi and gave details of their identity and the circumstances of the events that revealed an undeniable breach of the law. The Committee had also learnt that no independent body - not even the Red Cross - had been permitted to visit Chinese prisons. The Chinese Government had apparently refused the conditions stipulated by the Red Cross, which demanded free access to all the prisons and freedom to visit them unaccompanied. He hoped that the delegation would comment in that regard and emphasized the indivisible and universal nature of human rights, pointing out that every human being should be able to enjoy the same rights and that no circumstances could justify the denial of them.

26. Mr. SORENSEN said he endorsed the questions raised by the Country Rapporteur and Alternate Rapporteur and requested some additional details concerning article 10 of the Convention. He took note of the general legal training intended for military, law enforcement and medical personnel and wondered whether that training, which should cover not only the general question of human rights but also, more specifically, the absolute prohibition of torture, was also provided for judges. Given the primary role of physicians in the campaign against torture, he wondered whether that question had been incorporated in the curricula of China's faculties of medicine. He welcomed the fact that any public security service that had imposed an unjustified sanction on a citizen was obliged to acknowledge its error in front of the victim, but thought that it would also be helpful to know whether, if a police officer was convicted of an act of torture, the victim had an automatic right to compensation or whether he had to apply to a court of law.

27. He emphasized the effects of torture, as well as the need to make provision for treatment for the victim, and wished to know what measures were planned to establish treatment centres for victims of torture, pointing out that the State was under an obligation in that regard. Finally, he drew attention to the existence of the Voluntary Fund for Victims of Torture and

the financial crisis with which it was faced. If the Chinese Government were to make a contribution, within the limits of its means, the international community would view that as an important token gesture.

28. Mr. CAMARA stressed the universal nature of human rights, the violation of which could not be justified in any circumstances. As a permanent member of the Security Council, China had special responsibilities in regard to respect for international instruments. Referring to the Milan Plan of Action, in which States were invited to involve the public in the fight against crime, he wished to know the methods of control exercised by the population and wondered about the practice of denunciation. It seemed that real efforts had been made to ensure that no statement found to have been obtained through torture could be invoked as evidence in proceedings, but it would be helpful to have detailed knowledge of the procedure followed when that question arose and to know, for example, whether the record of such statements was removed from the file and whether it was prohibited to use them.

29. In general, the situation in China seemed to be developing in a favourable manner and priority should be accorded, above all, to practical measures likely to lead to tangible results.

30. Mrs. ILIOPOULOS-STRANGAS said she welcomed the improvements observed in the human rights situation in China. She wished to know the status of the Convention in the Chinese legal system and whether it could be invoked directly. With regard to the independence of the judiciary, she wondered whether all judges had received legal training and whether they were appointed by the party in power. In their reports, the NGOs deplored the existence, in the prisons, of "heads of cells" detainees who acted as prison warders. Were they subject to any form of control? Finally, of the 95 States parties to the Convention, only 9, including China, had not made the declaration provided for in article 22. Did the Chinese authorities intend to make that declaration?

31. Mr. YAKOVLEV commended the efforts the Chinese Government had made to adopt legislation giving effect to the Convention. However, as was the case in all countries, legislation was useless unless it was effectively and strictly applied.

32. In November 1989, a forum entitled "Physicians, ethics and torture" had been held at the Beijing Faculty of Medicine. Had its work been published and disseminated among the members of the medical professions and law enforcement officials? Special rules that had been issued by the Supreme People's Court concerning the procedure to be followed in criminal cases excluded the use as evidence, by the Chinese courts, of statements obtained under torture. That constituted commendable progress and he would be interested to know of examples of cases in which such evidence had been declared null and void

33. Mr. ZUPANCIC said that he was well aware of the difference between the concept of law in China and in the West. Chinese culture was 4,000 years old and had its own values and priorities. The Committee welcomed the legislative reform of criminal procedure, as well as the improvement in the rights of suspects during pre-trial detention and in some rights of accused persons during trial. The fact that all death sentences had to be referred to a higher court was also encouraging, as were the efforts to make police officers

and the population more familiar with human rights questions. The Chinese authorities were endeavouring to ensure respect for the rule of law, particularly criminal law, and were urging the courts to abide by the strict principles of legality. In that regard, it was regrettable that details of the reform of criminal procedure had not been communicated to the Committee.

34. The introduction of the presumption of innocence could have widely varying implications, depending on whether the onus of proof lay with the procurator or the court. The Chinese delegation had indicated that, in the absence of sufficient evidence, the charges were dismissed, which was a welcome development. The delegation had also announced that the right to be assisted by counsel had been extended and he wondered whether suspects enjoyed that right as from the time of arrest. In fact, it was during the first hours following arrest that cases of torture were most frequently reported. Precise details concerning the practical application of the rule prohibiting the use of evidence obtained by unlawful means would be welcome, since the report did not show whether the prohibition was absolute and whether, in the event of an appeal, such statements were removed from the file before it was sent to a higher court.

35. Finally, he emphasized that the Committee and the international community duly appreciated the legislative reforms that had taken place in China and he hoped that the country would continue to pursue that course of action.

36. Mr. PIKIS said he wondered about the status, training and terms of employment of judges, as well as the ways in which their independence could be guaranteed within the framework of the reform of the judicial system. He referred to the administrative detention and re-education through labour system and asked in particular whether the persons subjected to them enjoyed the same rights as did suspects and defendants and whether they were entitled to appeal against the duration of their sentence. If suspects exercised their right to remain silent during questioning, were they informed of that right and was a note of that fact made, as a possible way of ensuring respect for the rights of suspects and guaranteeing uniform practice in that regard throughout the country? It was also important to know whether persons who had been subjected to acts of torture while being held incommunicado could file a complaint against their torturers and, if so, how many such complaints had been processed, and whether investigations had been carried out. It should also be ascertained whether the procurator was responsible for proving that a confession had been obtained illegally and whether evidence needed to be corroborated before being invoked by the courts. In that regard, the importance of applying the principle of the presumption of innocence could never be overemphasized. In order to obtain a better understanding of the actual judicial situation in China, it would be helpful to have an idea of the ranking of the various statutes, namely the Constitution, the codes, the laws and the regulations. Finally, he called upon the Chinese authorities to adopt an extremely diligent approach in dealing with cases of torture brought to their knowledge by NGOs.

37. Mr. REGMI said he endorsed the questions raised about the independence of the judiciary and read out an extract from a report of a non-governmental organization which condemned the political control over the judiciary, the inadequacy of the control mechanisms, the admissibility during trials of

evidence obtained under torture, the practice of incommunicado detention and the excessive resort to administrative detention as obstacles impeding the country's application of legal norms, particularly the Convention against Torture. Apparently, torture was still widely practised in detention centres, prisons and work camps in China and the Chinese Government had failed to honour its commitment to give effect to the provisions of the Convention. He wished to know the position of the Chinese delegation in regard to those allegations.

38. The CHAIRMAN thanked the Chinese delegation for its attention and invited it to reply, at the next meeting, to the numerous questions that had been raised.

39. The Chinese delegation withdrew.

The meeting rose at 12.50 p.m.